

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 23-CR-255 (HG)
Plaintiff, :
-against- : United States Courthouse
JIAN AI CHEN, : Brooklyn, New York
also known as "Maggie," : September 13, 2023
Defendant. : 1:00 p.m.
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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE HECTOR GONZALEZ
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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Proceedings recorded by computerized stenography. Transcript produced by
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1 (In open court.)

2 THE COURTROOM DEPUTY: This is Criminal Cause For
3 a Status Conference, docket number 23-CR-255, United States
4 of America versus Chen.

5 Parties, please state your appearances for the
6 record, starting with the Government.

7 MR. BODAPATI: Good afternoon, Your Honor.

8 Arun Bodapati standing in for Andrew Estes on
9 behalf of the United States.

10 THE COURT: You said "standing in for" Mr. Estes,
11 but as I understand it, Mr. Estes has either resigned or has
12 left the office.

13 So are you the new attorney on the case?

14 MR. BODAPATI: Yes, I and some other colleagues
15 will be handling it going forward.

16 THE COURT: Are you at DOJ or EDNY?

17 MR. BODAPATI: I'm at DOJ.

18 MR. VARGHESE: Varghese & Associates by Vinoo
19 Varghese for Ms. Chen.

20 THE COURT: And I see that we have an interpreter.
21 Do we need to swear in the interpreter?

22 THE COURTROOM DEPUTY: Yes.

23 Can you state your name for the record, please?

24 THE INTERPRETER: Jianhang Mai.

25 (Interpreter sworn.)

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1 THE COURT: All right. Thank you all. You can be
2 seated.

3 Why don't I hear from the Government, if you can
4 just give me a status where the case is, and then if there
5 are there any applications.

6 MR. BODAPATI: Yes, Your Honor.

7 The Government made a production to the defendant
8 around July 10, 2023, and we had discussions of potential
9 plea negotiations since then. Our understanding is that the
10 defendant is still reviewing that discovery. We're not
11 currently aware of any other discovery that remains to be
12 produced at this time, but there are other defendants
13 involved. So if anything comes up, we'll be sure to produce
14 it expeditiously.

15 THE COURT: What do you mean "there are other
16 defendants involved"?

17 MR. BODAPATI: In related cases. Not this
18 specific case, but related cases.

19 THE COURT: All right. I'll hear from the
20 defense.

21 MR. VARGHESE: Your Honor, that's correct. We're
22 still going through the discovery. There's a substantial
23 amount of discovery that was produced. Post production of
24 discovery -- I believe it's post production -- there's been
25 another person charged in the related case. The indictments

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1 are almost mirroring each other. I imagine at some point
2 there's going to be some discovery from that case that's
3 going to be turned over to us.

4 So we request, and we waive Speedy Trial, an
5 additional 90 days to review discovery and give the Court a
6 status update.

7 THE COURT: All right.

8 Have the parties been engaging in any sort of plea
9 negotiations, as well?

10 MR. VARGHESE: Well, with his predecessor,
11 Mr. Estes, we had an initial talk. We had a meeting in
12 person a few months back and we haven't come up with any
13 numbers, but we've discussed it briefly. That's the best I
14 can say, Your Honor, at this point.

15 THE COURT: All right.

16 In addition to the additional review of discovery,
17 I assume the parties also intend to engage in additional
18 plea negotiations?

19 MR. BODAPATI: That's the Government's
20 understanding, yes.

21 MR. VARGHESE: That's correct.

22 THE COURT: All right. So I'm fine pushing this
23 off by 90 days as requested. If by then there isn't a
24 resolution, I will be setting a motion schedule and a trial
25 date, and probably will be setting a trial date for early

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1 spring. So the parties should be aware of that. Hopefully
2 you can resolve this short of that, before the end of the
3 year. But I just want to let you know that at the next
4 status conference, I will be setting a motion schedule and a
5 trial date.

6 I understand the parties have spoken to my deputy
7 about a date, and December 12th at 11 a.m. works for the
8 parties.

9 Is that correct?

10 MR. VARGHESE: Yes.

11 MR. BODAPATI: Yes, Your Honor.

12 THE COURT: All right.

13 So I am going to adjourn this matter until
14 December 12th at 11:00.

15 The period of time from today through December 12,
16 2023 is excluded in computing time under the Speedy Trial
17 Act. I finds that the ends of justice served by the
18 granting of the continuance outweigh the best interest of
19 the public and the defendant in a speedy trial, because the
20 failure to grant the continuance would deny counsel for the
21 defendant the reasonable time necessary to review discovery
22 and to effectively prepare for trial. I also find that the
23 failure to grant the continuance would deny counsel for both
24 parties the reasonable time necessary to explore potential
25 plea negotiations.

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1 So for those reasons, I'm going to exclude time
2 through December 12th in the interest of justice.

3 All right. Anything else from the Government?

4 MR. BODAPATI: Nothing further, Your Honor.

5 THE COURT: From the defense?

6 MR. VARGHESE: No, Your Honor.

7 THE COURT: Thank you, everyone. And I will be
8 seeing you at least in December, if not earlier.

9 Thank you. Have a good day.

10 MR. BODAPATI: Thank you, Your Honor.

11 MR. VARGHESE: Thank you, Your Honor.

12 (Matter adjourned.)

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16 I certify that the foregoing is a correct transcript from
17 the record of proceedings in the above-entitled matter.

18 /s/ Kristi Cruz

19 _____
KRISTI CRUZ